

Application No.: 10/052,271
Amendment dated: July 7, 2003
Reply to Office Action of: April 4, 2003

REMARKS

The claims have been amended to improve the clarity of the claimed subject matter and to bring the claims into conformity with U.S. Practice and format, and to place the application fully in condition for allowance. All of the amendments are fully supported by the original disclosure of this application and therefore do not constitute the introduction of any new matter into this case.

Figure 1 has been amended to relocate the label for "FIG. 1".

Applicant has not yet received an indication from the Examiner as to the acceptability of the originally filed drawings and requests such indication in the next Official Action, in the absence of which it is assumed that the original drawings are acceptable.

Claims 1-5 remain pending upon entry of the amendments to the claims above.

Claim Rejections under 35 U.S.C. § 112

Claim 4 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite due to lack of antecedent basis for claimed elements. Accordingly, claim 4 has been amended to depend from dependent claim 3, in order to correct the antecedent basis problems. In view of the amendment to claim 4, withdrawal of this rejection is requested.

Claim Rejections under 35 U.S.C. § 102

Claims 1-5 are rejected under 35 U.S.C. § 102 as being clearly anticipated by U.S. 5,828,284 (Huang). Independent claim 1 has been amended to more clearly claim the inventive subject matter. If the earlier rejection is to be maintained, Applicant most respectfully traverses such finding.

Applicant respectfully wishes to direct the Examiner's attention to MPEP § 2131

which states that to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

With regard to the rejection of original claims 1-5, the Examiner will note that the reference to Huang does not teach, disclose or suggest a neon bulb or indicator (37 of the claimed invention) and a holder (36 of the claimed invention), as clearly shown in Figure 1 of the application. Although Figure 1 of the reference to Huang shows a bulb, it is not secured in position by any holder, unlike the claimed invention. Therefore, the bulb of the device of Huang is highly likely to shift in position and become easily damaged or cause malfunction during assembly or usage, thereby jeopardizing the integrity of the circuitry of the device. The presence of the neon indicator holder (36 of the claimed invention) securely positions the neon indicator 37, as clearly shown in Figure 1 of the application.

Further, the Examiner will note that in the reference to Huang, as disclosed in column 2, lines 63-65 and in Figures 1, 3 and 4, a spring 25 is positioned between the two bosses 22, 262 and biased and connected between the first member and the third member, as shown in Figure 1. In contrast, in the claimed invention, there is no need for such spring, since in the claimed invention, the spring of the prior art is replaced with the leg 22 and the bimetal strip 27, thereby substantially reducing the number of components for a circuit breaker. Thus, the claimed invention is much easier to assemble than the prior art devices, thereby reducing overall costs. Further, in the

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device of Huang, the spring will likely lose its elasticity in due time, and it will likely slip from the bosses 22, 262 and render the circuit breaker useless or defective, and since it is riveted, it cannot easily be dismantled without destroying the overall circuit breaker. Clearly, the use of the bimetal strip and leg of the claimed invention, without any spring is neither taught, disclosed nor suggested in any of the prior art references, including that of Huang.

In view of the remarks above, withdrawal of the rejection based on 35 U.S.C. § 102 is respectfully requested.

Further, in the claimed invention, the Examiner will note the presence of a resistor 38 between the grounding prong 24 and the neon indicator 37 which will substantially reduce the likelihood of sparks being produced inside the circuit breaker during use, thus greatly enhancing the safety of the claimed circuit breaker. In addition, the hollow body and front cover of the invention is preferably made of plastic which can be easily joined together, instead of being riveted, unlike the prior art, thereby further reducing the overall cost of assembly.

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In summary, it is respectfully submitted that none of the prior art individually or collectively shows the invention as claimed. Accordingly, withdrawal of the rejection of the claims appears to be warranted and the same is respectfully requested. In the event there are any outstanding matters remaining in the present application which can be resolved by a telephone call or facsimile communication to Applicant's Attorney, the Examiner is invited to contact the undersigned by telephone or facsimile at the numbers provided below.

Respectfully submitted,
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